

CAUSE NO. 199-03395-2013

Chelsea L. Davis,  <i>Plaintiff</i>  v.  Samuel F. Baxter,  <i>Defendant</i>	IN THE DISTRICT COURT  <u>199</u> JUDICIAL DISTRICT  COLLIN COUNTY, TEXAS  2013 AUG 27 PM 4:18 DISTRICT CLERK COLLIN COUNTY, TEXAS BY <i>[Signature]</i> DEPUTY
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**ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff Chelsea L. Davis ("Plaintiff") who files her Original Petition for cause against Defendant Samuel F. Baxter ("Defendant") and would show unto the Honorable Court as follows:

**I. DISCOVERY CONTROL PLAN LEVEL**

1. Plaintiff intends that discovery be conducted under Discovery Level 3.

**II. PARTIES AND SERVICE**

1. Plaintiff, Chelsea L. Davis, resides in Collin County, Texas.
2. Defendant, Samuel F. Baxter, resides in Harrison County, Texas and may be served with citation at 400 Creekside Drive, Marshall, Texas, 75672, Harrison County, Texas or wherever else he may be found.

### **III. JURISDICTION AND VENUE**

1. This Court has jurisdiction herein because Plaintiff is a resident of Collin County, Texas and has been a resident for at least one hundred days prior to the filing of this lawsuit.
2. Venue is appropriate in Collin County, Texas because Plaintiff now resides in Collin County, Texas.

### **IV. CLAIMS**

#### ***A. Brief Introduction***

1. Chelsea Davis earned her engineering degree from Duke University in 2004 and attended a top twenty law school, where she earned the patent law award for her class. Ms. Davis commenced her legal career in Dallas in 2007 acquiring experience on the defense side of patent litigation. After two and a half years, Ms. Davis sought experience representing plaintiffs. As Ms. Davis was contemplating a career move to the plaintiff's side, the best plaintiff's side patent litigation firms in Dallas were McKool Smith P.C., Susman Godfrey, Shore Chan & Bragalone and Sayles Werbner. Loyal to her history of being an overachiever and determined to try nothing but the "best," Chelsea Davis applied for a job at these top plaintiff's patent litigation firms. In April 2010, she accepted an offer from McKool Smith at a substantial increase in salary from her previous position. Samuel Baxter, shareholder at McKool Smith, interviewed Ms. Davis and personally extended an offer to her. Mr. Baxter would serve as Ms. Davis's mentor. Ms. Davis was elated to begin working at such an established plaintiff's firm at just twenty-seven years old and to have an opportunity to learn from the lawyer reputed to be "the best in the business."

2. Samuel Baxter is a former Texas State District Judge and District Attorney for Harrison

County, Texas, which is located in the Eastern District of Texas, referred to colloquially by those in the patent business as the "patent rocket docket" given its reputation as the best place in the country for plaintiffs to file patent lawsuits. Mr. Baxter was inducted into the American College of Trial Lawyers as a consequence of his reputation in the legal profession as one of the best courtroom lawyers in the country. Based in part on Samuel Baxter's success for the firm's clients, McKool Smith has won more of the country's Top 100 Verdicts during the past five years than any other law firm in the United States.

3. Chelsea Davis accepted Mr. Baxter's offer of employment at McKool Smith wholly unaware of Samuel Baxter's reputation for making inappropriate advances on female employees. Throughout her tenure at McKool Smith, Ms. Davis would learn that Samuel Baxter preys upon young, unsuspecting females and uses his money, power and influence to snare his victims. Chelsea Davis entered into employment at McKool Smith as a young, beautiful, naive, ambitious and recently divorced woman, thus rendering her a delicious target. Rather than using his power, money and influence to improve the patent litigation profession, as all respectable lawyers should, Samuel Baxter has repeatedly chosen to use his stature as a tool to carry out his perversions and abuse. Hiding behind the prestige of his position as shareholder at McKool Smith and Chelsea Davis's mentor, Chelsea Davis, like many of Mr. Baxter's victims, never foresaw the tremendous abuse Mr. Baxter would repeatedly inflict on her.

4. Upon hiring Chelsea Davis, Samuel Baxter inundated her with promises to help her develop her career and trial skills in intellectual property cases. However, a few weeks after she began working at McKool Smith, Samuel Baxter demanded sexual services from her. He threatened to ruin her legal career and any future employment prospects if she did not have a long-term sexual affair with

Leslie Ware, a major financial backer of the law firm and one of the nation's wealthiest patent trolls.

5. Leslie Ware had been following Ms. Davis, and he desired to have her as his personal sex slave. Mr. Ware's sexual desires served as the impetus for Mr. Baxter's hiring of Chelsea Davis. Trying to appease Mr. Ware, McKool Smith assigned Ms. Davis to the office facing Mr. Ware's office, so that Leslie Ware could stare at Chelsea Davis through her office window every day. Samuel Baxter continued to assure Ms. Davis that he would help her to develop a successful law practice and Leslie Ware would teach her everything she wanted to know about being a patent troll.

6. Chelsea Davis also began her employment at McKool Smith completely oblivious to Mr. Ware's reputation not only for making inappropriate advances on female employees, but also for sadomasochistic sexual behavior, for having numerous mistresses all over town even though he has a wife and four children at home, for paying women for sex, and for associating with swingers. When Chelsea Davis told Samuel Baxter that she could not do what he asked in part because she had recently contracted Herpes, he threatened to have her raped by a judge who was HIV positive if she did not do as she was told and proceed with the affair. Further, as a matter of firm policy, McKool Smith would not allow Ms. Davis to sue the culprit for intentionally infecting her with Herpes. Samuel Baxter told Chelsea Davis that he and Leslie Ware knew that she had contracted Herpes, whether or not they conspired to cause it. Mr. Baxter additionally knew that Leslie Ware also had Herpes, and he assured Ms. Davis that Leslie Ware did not have any other venereal diseases and he would not hurt her. Samuel Baxter never made good on any of his promises to Chelsea Davis.

7. Samuel Baxter and Leslie Ware proceeded to physically, mentally, and emotionally abuse Chelsea Davis from 2010 to 2013. They demeaned her, degraded her and sexually abused her

like she was nothing. Leslie Ware repeatedly choked, strangled, and beat Chelsea Davis, forcing himself inside of her and injuring every orifice of her body. Mr. Ware forced Ms. Davis to watch him have sex with other women. Mr. Ware intentionally infected Chelsea Davis with the Human Papilloma Virus ("HPV"), a virus known to cause cervical cancer and infertility. Chelsea Davis has been left permanently scarred, emotionally abused, mentally distressed, and physically injured. Samuel Baxter, both individually and on behalf of McKool Smith, continues to threaten and harass Chelsea Davis using various scare tactics to silence her.

### ***B. Human Trafficking***

8. Plaintiff re-alleges each and every one of the foregoing paragraphs as though set forth fully herein. Defendant transported, recruited, harbored, enticed, provided, or otherwise obtained Plaintiff with the intent that she engage in forced sexual services. The forced sexual services were obtained through:

- (a) injury or threats of injury,
- (b) restraint, or
- (c) using a scheme of intimidation.

### ***C. Aggravated Assault***

9. Plaintiff re-alleges each and every one of the foregoing paragraphs as though set forth fully herein. Defendant Samuel Baxter assaulted Plaintiff with malice and on such a consistent basis as to cause Plaintiff severe damage, both physically and mentally. Defendant Samuel Baxter's repeated aggravated assaults, including but not limited to aggravated sexual assault, of Plaintiff were intended to humiliate and demean Plaintiff. Defendant acted intentionally, knowingly, and recklessly when he made

contact with Plaintiff's person. Defendant's contact caused bodily injury to Plaintiff, and Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

10. In addition, Defendant conspired with others to sexually use, abuse, and carry out aggravated assaults on Plaintiff. Upon information and belief, Defendant used various means and methods, including various entities that he owns and controls, to facilitate his continued aggravated assaults on Plaintiff.

#### ***D. Civil Conspiracy***

11. Plaintiff incorporates each and every one of the foregoing paragraphs as though set forth fully herein. Defendant participated in a conspiracy to harm Plaintiff. Defendant was a member of a combination of two or more persons or entities.

12. The object of the combination was to accomplish an unlawful purpose. Defendant had a meeting of the minds on the object or courses of action and in furtherance of the object or course of action, one of the members of the combination committed an unlawful, overt act. The actions of Defendant complained of herein were a proximate cause of harm to Plaintiff and resulted in actual damages in an amount within the jurisdictional limits of this Court for which sums Plaintiff now sues Defendant, who should be held jointly and severally liable for the underlying acts.

13. As a result of Defendant's conduct, which was committed knowingly, willfully, intentionally, with actual awareness, or with actual malice, Plaintiff also seeks the recovery of exemplary damages from Defendant. Further, the wrongful acts of Defendant were done maliciously, oppressively, and with the intent to harm Plaintiff, and Plaintiff is entitled to punitive and exemplary damages to be ascertained according to proof, which is appropriate to punish and set an example of Defendant.

Respectfully submitted,

Chelsea L. Davis

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